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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,304	11/19/2003	Pascal Banry	03-43	6474

7590 11/24/2004

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EXAMINER

COLETTA, LORI L

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/717,304

Applicant(s)

BANRY ET AL.

Examiner

Lori L. Coletta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15, 17-24 and 26-28 is/are rejected.
- 7) ☐ Claim(s) 16 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6252004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. **Figures 1a, 1b, 2a, 2b, 3a and 3b** should be designated by a legend such as **--Prior Art--** because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. **The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures.** If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:
The Brief Description of the Drawings needs to include a description of Figures 1a, 1b, 2a, 2b, 3a and 3b.
"Figure 1" (page 6, line 32) needs to be changed to --Figure 4a--.
"portion 5" (page 8, line 7) needs to be changed to --portion 3--.
Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

((a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 15, 17, 18, 20-24 and 26-28 are rejected under 35 U.S.C. 102(a) as being anticipated by Sato et al. 6,428,065.

Regarding claim 15, Sato et al. '065 discloses a motor vehicle bumper comprising a shield (13) having a first impact zone (10) located substantially at a first height corresponding to a knee (H) of an adult pedestrian and, immediately below the first impact zone, a second impact zone (20) located substantially at a second height to a tibia of the adult pedestrian; a beam (11) behind the shield (13) at the first height, in register with and at a certain distance from the shield (13); and at least one block (12 and 22) comprising a compressible material interposed between the beam and the shield, the block (22) having a front end in register with the second impact zone of the shield, a rear end in register with the beam, and a cross-section that increase from its front end towards its rear end in Figure 2.

Regarding claim 17, Sato et al. '065 discloses the bumper, wherein the beam (11) includes a transverse length and the block (12 and 22) is disposed transversely along the length of the beam in Figure 2.

Regarding claim 18, Sato et al. '065 discloses the bumper, wherein the bumper includes a plurality of spaced-apart blocks (12 and 22) in Figure 2.

Regarding claim 20, Sato et al. '065 discloses the bumper, wherein the cross-section of the block (12) defines a trapezoid having a small base formed by the front end and a larger base formed by the rear end in Figure 2.

Regarding claim 21, Sato et al. '065 discloses the bumper, wherein the cross-section defines a rectangular trapezoid having a perpendicular side that is perpendicular to the small base and the large base in Figure 2.

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Regarding claim 22, Sato et al. '065 discloses the bumper, wherein the block (12) includes a bottom face facing downwards defining the perpendicular side in Figure 2.

Regarding claim 23, Sato et al. '065 discloses the bumper, wherein the shield (13) includes a shoulder extending towards the beam (11), and the bottom face rests on the shoulder in Figure 2.

Regarding claim 24, Sato et al. '065 discloses the bumper, wherein the first height is more than 450 mm above a ground surface in Figure 2.

Regarding claim 26, Sato et al. '065 discloses the bumper, wherein the compressible material comprises foam (column 3, lines 15-19).

Regarding claim 27, Sato et al. '065 discloses the bumper, wherein the foam material comprises expanded polypropylene (column 3, lines 15-19).

Regarding claim 28, Sato et al. '065 discloses a use of a block of compressible material (12 and 22) having an inner surface toward the motor vehicle and an outer surface, the block having a cross-section that increases from the outer surface to the inner surface, whereby a resisting force from the bumper increases with increasing indentation of the block during an impact in Figure 2.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al 6,428,065 in view of Evans 2002/0149214.

Regarding claim 19, Sato et al. '065 discloses the bumper but does not show wherein the bumper includes a plurality of juxtaposed blocks.

Evans '214 teaches a bumper (20) with a plurality of juxtaposed blocks (22) in Figure 5.

Regarding claim 19, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the bumper of Sato et al. '065 with a plurality of juxtaposed blocks, as taught by Evans '214, in order to provide improved consistent collapse and energy absorption.

Allowable Subject Matter

7. Claims 16 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references show several other bumpers similar to that of the current invention.

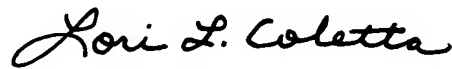
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is (703) 306-4614.

The examiner can normally be reached on Monday-Friday 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lori L. Coletta
Primary Examiner
Art Unit 3612

llc
November 18, 2004